PATENT

AUDUO
PATENT TRADEMARK OFFICE

Docket No. <u>9539.18434</u>

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RADEN re application of:

Johnson

Group Art Unit: 3724

Serial No:

10/696,218

Examiner: H. Payer

Filed:

29 October 2003

For:

Apparatus and Methods for Providing Oral Tactile Stimulation While Delivering Food

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under S 1.113 or (2) a notice of allowance under S 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in S 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20,

1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PE

"A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

## TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

- 1. The information disclosure statement transmitted herewith is being filed AFTER THREE MONTHS OF THE FILING DATE OF THIS NATIONAL APPLICATION OR THE DATE OF ENTRY OF THE NATIONAL STAGE AS SET FORTH IN S 1.491 IN AN INTERNATIONAL APPLICATION OR AFTER THE MAILING DATE OF THE FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURRED LAST BUT BEFORE THE MAILING DATE OF EITHER:
  - (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311, whichever occurs first.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, in an envelope addressed as follows: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on 24 Novemer 2004.

Signature of Person Signing

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Linda S. Wenzel

Type or Print Name of Person Signing

### **CERTIFICATION OR FEE**

2.	Accompanying this transmittal is (check either A or B below)								
	A.	[]	a certification as specified i	n 37 CFR 1.97(e)					
	B.	[x]			n of an information disclosure state-				
			ment under 0 1.57(6). (\$10	0.00).					
				AYMENT					
			(complete this i	tem, if applicable)					
3.		Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c) (\$180.00).							
			Fee due \$_	180.00					
			METHOD OF P	AYMENT OF FEE					
4.	[ x]	Attacl	hed is check in the amount of		\$_180.00				
	[ ]		ge Account No in the amo		\$				
prior a patenta would l	rt again ability as be appr	st the of states opriate	claims of the present applica d in 37 CFR §1.56(b). Applic	tion or that such do ant does not waive a ove as a competent	ion that such document constitutes ocument is considered material to any rights to take any action which reference any document which is he present application.				
If any a	additiona	al fees a	are due, please charge Accou	nt No. <u>06-2360</u> .					
Reg. N	lo. 50,2	95		Patricia	a. Frimbach				
Telephone No.: (262) 783 - 1300			792 4200	Signature of Attorney Patricia A. Limbach					
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(Use 3 gral sheets if necessary)	APPLICANT Johnson	
Customer No. 26308	FILING DATE 29 October 2003	GROUP 3724

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,984,935	11/1999	Welt et al.			
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#### FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
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### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.